



\$~40

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 8271/2023**

BABITA AGARWAL & ORS.

.....Petitioners

Through: Mr. Ashok Kr. Sabharwal, Mr. Mohit
Kr. Saxena, Mr. Shakir Husain and
Mr. Shobhit Sabharwal, Advocates.

versus

THE STATE (GOVT OF NCT OF DELHI) & ANR.....Respondents

Through: Mr. Aashneet Singh, APP for State
with SI Kailash, P.S. Karol Bagh, Mr.
Sahil Arora, Mr. Vishwajeet Singh,
Ms. Ritu Kapoor Arora, Mr. Vijay
Pratap Singh and Ms. Priyanka
Mishra, Advocates.
Mr. Nitin Goel, Advocate for
respondent No.2 with respondent
No.2 in person.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

31.07.2024

%

1. The present proceedings are instituted on behalf of the petitioners seeking quashing of FIR No. 350/2018 registered under Sections 420/120B IPC at P.S. Karol Bagh on the ground that the parties have amicably settled their disputes.
2. The allegations in the present FIR relate to fraud and forgery with respect to allotment of a flat.
3. Mr. Singh, learned APP for the State, on instructions, submits that besides the above petitioners, there is another accused namely, *Vikas Jindal*



who has neither approached this Court nor was part of the settlement arrived at between the parties. He further submits that respondent No.2 is the complainant in the present FIR. It is also submitted that FIR is pending investigation.

4. Learned counsel for the petitioner submits that the petitioners and respondent No. 2 have amicably settled their disputes vide Memorandum of Settlement dated 19.04.2023, a copy of which has been placed on record. It is submitted that all the terms of the settlement have already been complied with and complainant/respondent No.2 is now left with no claim or grievance against the petitioners.

5. Petitioners and respondent No.2, who are present in Court, have been identified by their respective counsel as well as the I.O./SI Kailash, P.S. Karol Bagh. Petitioners have shown remorse for their conduct and undertake not to repeat the same in future.

6. Respondent No. 2 states that she has settled the disputes with the petitioners out of her own free will, volition and without any coercion. She also acknowledges the entire settled amount and submits that terms of the settlement have been complied with and she has no objection if the present FIR and consequent proceedings are quashed.

7. The parties shall remain bound by the statements made in Court today.

8. In Parbatbhai Aahir and Others v. State of Gujarat and Another reported as **(2017) 9 SCC 641**, it has been held as under:-

“16. The broad principles which emerge from the precedents on the subject, may be summarised in the following propositions:

xxx



16.7. As distinguished from serious offences, there may be criminal cases which have an overwhelming or predominant element of a civil dispute. They stand on a distinct footing in so far as the exercise of the inherent power to quash is concerned;

16.8. Criminal cases involving offences which arise from commercial, financial, mercantile, partnership or similar transactions with an essentially civil flavour may in appropriate situations fall for quashing where parties have settled the dispute;

16.9. In such a case, the High Court may quash the criminal proceeding if in view of the compromise between the disputants, the possibility of a conviction is remote and the continuation of a criminal proceeding would cause oppression and prejudice; and...”

9. Similarly, in *State of Madhya Pradesh v. Laxmi Narayan and Others* reported as **(2019) 5 SCC 403**, it has been held as under:-

“15. Considering the law on the point and the other decisions of this Court on the point, referred to hereinabove, it is observed and held as under:

15.1. That the power conferred Under Section 482 of the Code to quash the criminal proceedings for the non-compoundable offences Under Section 320 of the Code can be exercised having overwhelmingly and predominantly the civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes and when the parties have resolved the entire dispute amongst themselves;”

10. In view of the above facts and considering that no useful purpose will be served in continuance of the proceedings, it is directed that the aforesaid FIR and the consequent proceedings arising therefrom are hereby quashed



qua the present petitioners only. The proceedings against another accused namely, *Vikas Jindal* shall continue.

11. With the above directions, the petition is disposed of.

MANOJ KUMAR OHRI, J

JULY 31, 2024/ga